

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GLENN JOHNSON,

Petitioner,

v.

CASE NO. 04-CV-70321-DT  
HONORABLE VICTORIA A. ROBERTS

GERALD HOFBAUER,

Respondent.

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**ORDER DENYING PETITIONER'S MOTION FOR REHEARING**

Before the Court is Petitioner's Motion for Rehearing, brought pursuant to Federal Rule of Civil Procedure 59(e), concerning this Court's dismissal of his habeas corpus petition and denial of a certificate of appealability. Petitioner asserts that the Court erred in concluding that his habeas petition, brought pursuant to 28 U.S.C. § 2254 and challenging his first-degree murder, assault, and felony murder convictions, lacks merit and does not warrant habeas relief. Petitioner also asserts that the Court erred in denying him a certificate of appealability.

A motion for rehearing or reconsideration which presents issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. *See Hence v. Smith*, 49 F. Supp. 2d 547, 550 (E.D. Mich. 1999); *Czajkowski v. Tindall & Assoc., P.C.*, 967 F. Supp. 951, 952 (E.D. Mich. 1997). Petitioner has not met his burden of showing a palpable defect by which the Court has been misled or his burden of showing that a different disposition must result from a correction thereof, as required by Local Rule 7.1(g)(3). He is therefore not entitled to relief from judgment in this case.

Accordingly,

**IT IS ORDERED** that Petitioner's motion is **DENIED**.

s/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: May 17, 2005

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on May 17, 2005.

s/Linda Vertriest

Deputy Clerk